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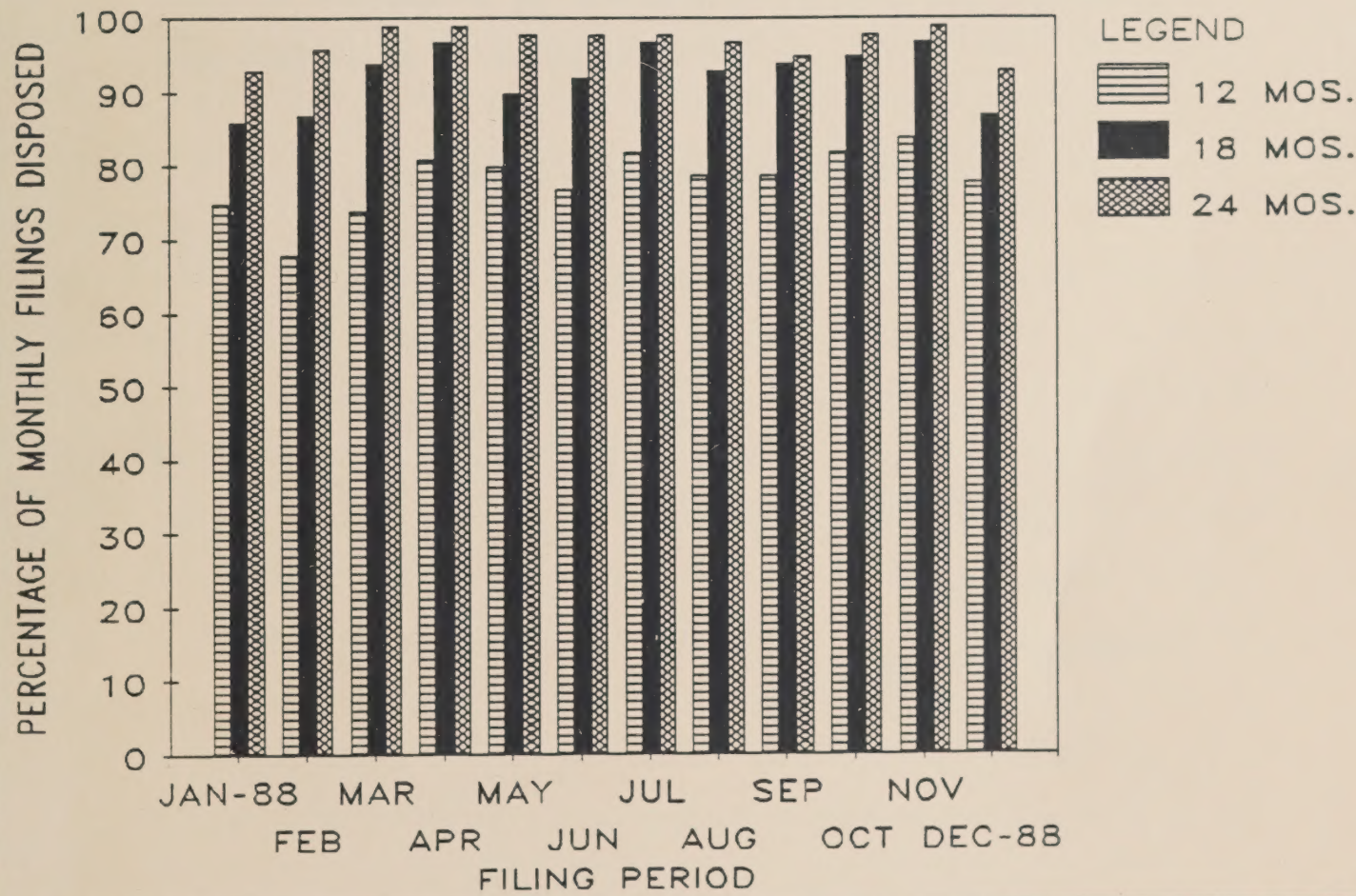
ORANGE COUNTY SUPERIOR COURT

UNIVERSITY OF CALIFORNIA TRIAL COURT DELAY REDUCTION PROGRAM

(AB 3300)

AN EXPERIMENT IN COOPERATIVE CASE MANAGEMENT  
JANUARY 1, 1988 THROUGH DECEMBER 31, 1990

EXPEDITED TRIAL PROGRAM DISPOSITION RATES  
USING ABA STANDARDS - JAN. 1, 1988-DEC. 31, 1988  
(AS OF DEC. 31, 1990)



Orange County Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701



"...Delay in the resolution of litigation may reflect a failure of justice and subjects the judiciary to a loss of confidence by the public in both its fairness and utility as a public institution...."

Government Code Section 68601(b)

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## PREFACE

In March 1987 a copy of the Trial Court Delay Reduction Act (AB 3300) was given to me and I was asked to chair a court committee for its implementation. After serious reservations regarding judicial administration and the application of artificial time lines to measure the disposition of litigation, I became convinced of the merit of case management. Since the creation of the committee I have been committed first to the design and implementation of the provisions of the "Act" and then to the successful operation of the Orange County Program.

Early on I came to regret the commonly accepted "moniker" given to all Trial Court Delay Reduction Programs, to-wit: "Fast Track". A further extreme was the careless use of the phrase "Rocket Docket". The use of these terms immediately draws adrenaline to one's blood. They have become buzz words which impair communication. They attack reasoned analysis and conjure up the notion of speed without consideration of result. The Act does not require speed -- it does suggest a cooperative effort to reduce unnecessary delay in trial courts. A successful case management program should "...help the participants...understand the dispute as clearly as possible, focus on what is central to it, develop expeditiously the information needed to solve it, and





either facilitate a negotiated disposition..."<sup>1</sup> or frame the issues and provide a prompt trial without continuances.

The Orange County Expedited Trial Program was designed to enlist and insure the participation of attorneys practicing in this court in the creation and operation of this pilot program. The title was chosen to avoid the haste and waste connotation attached to Fast Track. The word "expedite" has its roots in the Latin word "expedire" which means "free from entanglement". By removing the entanglements the case, the trial and justice should move more freely. A result may be that the disposition of a case may occur earlier -- but speed is not the goal.

A more accurate description of the Orange County Program is "cooperative case management by attorneys and judges." The refusal to use the term "Fast Track" in describing Trial Court Delay Reduction Act Programs is more than semantics -- it is reflective of one's attitude in presiding over trials and the judicial system. Finally, it should be noted this and most other case management programs are designed for approximately eighty-five (85) to ninety (90) percent of the court's cases. The remaining ten percent (10%), or so, of the cases which are truly complex or raise unique problems can still benefit from judicial management, but the method of that management may vary from case to case.

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<sup>1</sup> Brazil: Case Management: The Panacea has its Side Effects, 24 Judges Journal, 4 (1985).





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"COOPERATIVE CASE MANAGEMENT  
BY ATTORNEYS AND JUDGES"  
THE FINAL REPORT AND CRITIQUE  
OF THE  
ORANGE COUNTY SUPERIOR COURT  
EXPEDITED TRIAL PROGRAM  
FOR THE PERIOD JANUARY 1, 1988  
THROUGH DECEMBER 31, 1990  
by  
Hon. John C. Woolley

This is the third and final report and critique on the Orange County Superior Court's Expedited Trial Program. "XTP" was initiated as one of the nine pilot projects in accordance with the mandate of the Trial Court Delay Reduction Act of 1986 (California Government Code Sections 68600-68615). The first report on the Orange County Superior Court's experimental program covered the period January 1, 1988 through December 31, 1988 and was entitled "Orange County Superior Court Expedited Trial Program, A Beginning". The second report covered the period January 1, 1989 through December 31, 1989 and was entitled "Orange County Superior Court Expedited Trial Program Interim Report and Critique".





Conceptually, the Trial Court Delay Reduction Act provided for a three-year experiment followed by analysis of the results received from the nine pilot county programs and a report of those results. The final report to be submitted by the National Center for State Courts has yet to be prepared. When it is prepared, that report will be submitted to the Judicial Council and the Legislature. Prior to the conclusion and analysis of the results of the three-year programs of the nine pilot counties the Legislature adopted AB 3820 extending the principles of judicial management of cases, without the benefit of knowing the results.

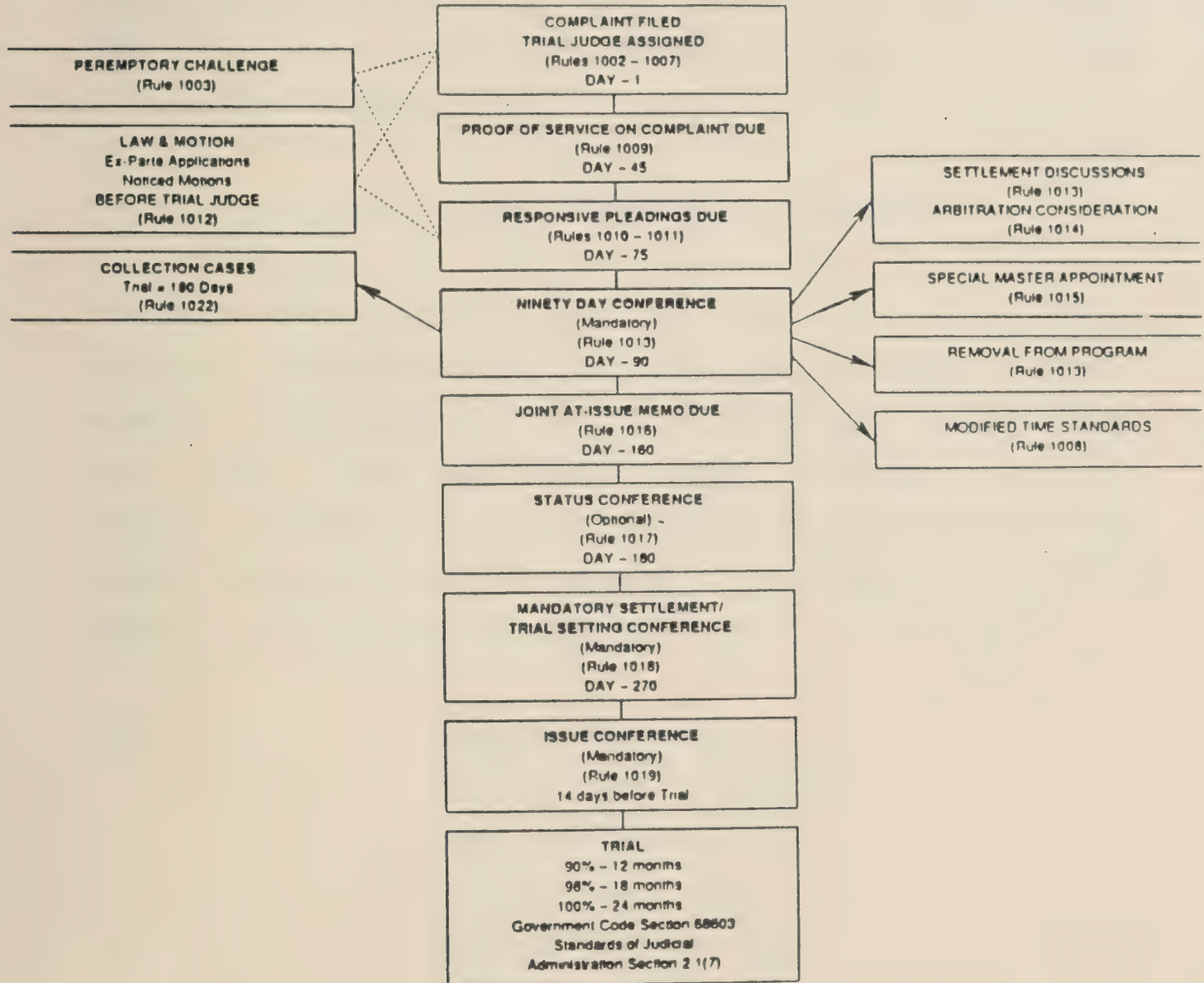
This report and critique has been prepared in an effort to assist the Orange County Superior Court in its compliance with AB 3820 and to make judicial management of cases a court-wide project. Background and the mechanics of the Expedited Trial Program can be found in the prior two reports and will not be repeated herein except to point out that "XTP" was a direct-calendar management program involving eight judges and one-half of all cases filed during the three-year period designated as





"other civil" by the California Judicial Council,<sup>2</sup> approximately eight thousand five hundred (8,500) cases.

The following chart illustrates the case-management path of an Expedited Trial Program case.



<sup>2</sup> The California Judicial Council classified Superior Court filings as Probate and Guardianship, Family Law, Personal Injury Death and Property Damage: Motor Vehicle, Personal Injury Death and Property Damage: Other, Eminent Domain, Other Civil Complaints, Other Civil Petitions, Mental Health, Juvenile Delinquency, Juvenile Dependency, Criminal, Appeals from Lower Courts, and Habeas Corpus for the purpose of statistical reporting and analysis.  
(Emphasis added.)



This report first introduces the background and scope of the Expedited Trial Program. Then it reviews the need for cooperation, planning and consistency; the experiment; the results of the thirty-six (36) month program; the attorneys' responses to "XTP", the judges' responses to "XTP"; the author's conclusions; and ends with a "caveat".

## I. COOPERATION, PLANNING AND CONSISTENCY

The cooperative attitude of the Orange County trial bar in developing and administering the Expedited Trial Program becomes evident in the results of "XTP". It is important to note that the local court rules were adopted after eighteen drafts were reviewed, critiqued, amended and finalized by the Expedited Trial Program Advisory Committee composed of the four original "XTP" judges<sup>3</sup> and the following attorneys:

Eugen C. Andres, Esq.

Susan Addison Blush, Esq.

Edmond M. Connor, Esq.

Judi A. Curtin, Esq.

James J. DiCesare, Esq.

Andrew J. Guilford, Esq.

Patrick A. Long, Esq.

Troy D. Roe, Esq.

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<sup>3</sup> Please see Appendix "A".





This committee had numerous and lengthy meetings during the last six months of 1987. In adopting the local court rules the attorneys on more than one occasion suggested the approach by the judges was too lenient and suggested more stringent approaches. This was particularly true in the area of sanctions. Sanctions for willful failure to comply with court-ordered case management and/or local court rules used in "XTP" were minimal and were imposed only after noticed hearing. In those instances where sanctions were imposed, the sanctions were paid to the County of Orange.<sup>4</sup>

The original "XTP" judges agreed not to consider amendments to the local court rules during the first twelve months of the program. This agreement was maintained. The rules were amended at the end of the first year and have remained the same since that date. In addition, the "XTP" judges agreed to basic uniformity in the operation of their respective calendars and except for some variation in the consideration of ex-parte requests, this uniformity was maintained throughout the program. The benefits of these agreements became apparent as word was received from attorneys practicing in neighboring counties of multiple local court rule changes or the lack of uniformity in handling cases among judges in the same court.

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<sup>4</sup> This was done in an effort to remove the animosity which may develop between attorneys when one side has been ordered to pay sanctions to the other. In those instances where an attorney's conduct necessitated an additional appearance by the opposition sanctions, payable to the attorney as provided by code, were imposed.





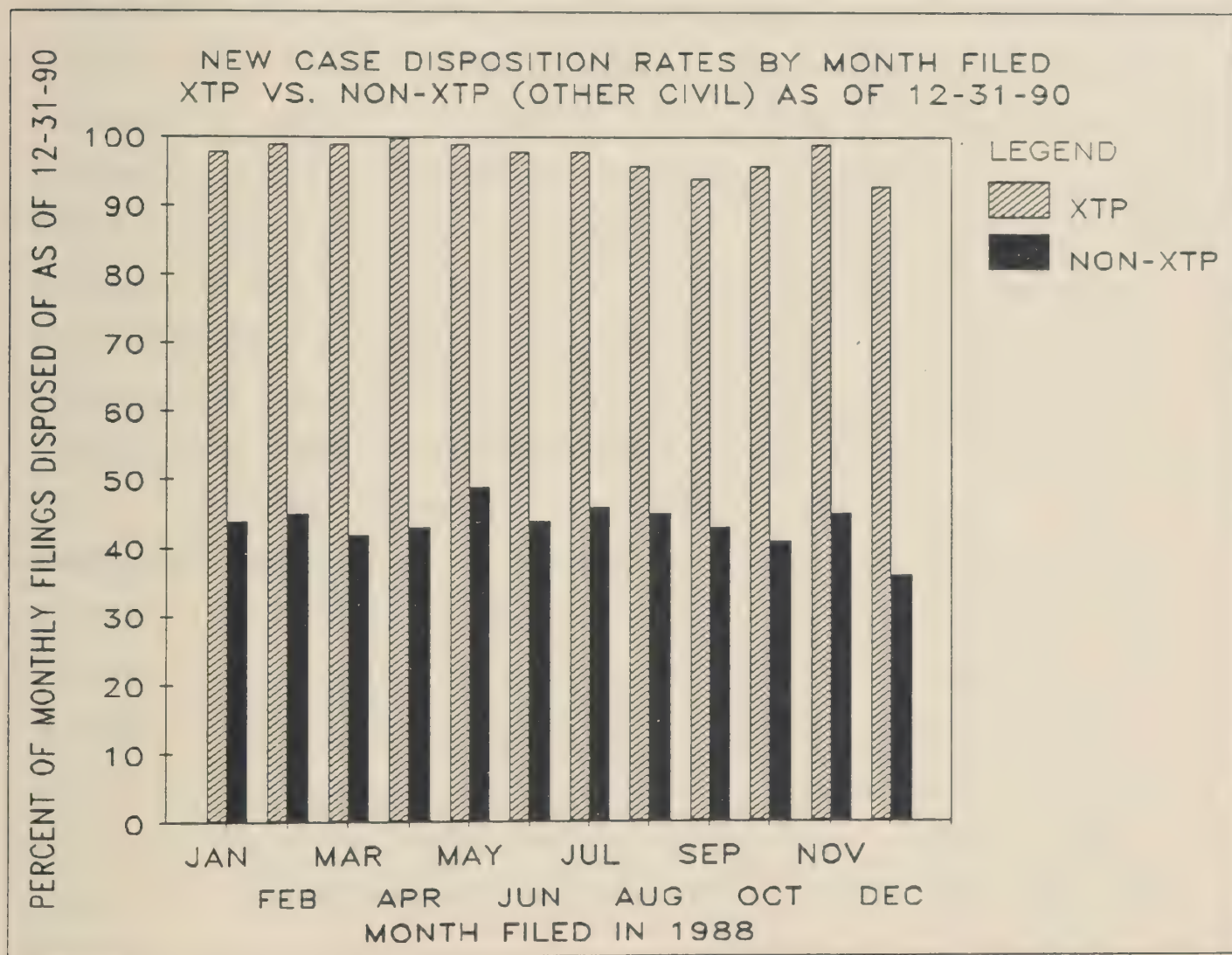
A high degree of cooperation must exist between the courtroom clerk, the bailiff, the judge, and court administration in order to successfully manage the direct or all-purpose calendar assignment. The courtroom staff must be able to plan ahead and act rather than react to problems. Staff must accept and believe in the direct calendar/all-purpose case management assignment in order for the concept to be productive. This program, with few exceptions, has been blessed in this regard. The cooperative attitude and environment was achieved by early project development meetings with the County Clerk and his staff, the Court Administrator and his staff, and the Program Judges. It is the outstanding loyalty and dedication of the staff that has contributed to this program's success and acceptance by the legal community. This sturdy foundation will allow continued elimination of unnecessary trial delay and should make the transition to a court-wide program easier.

## II. THE EXPERIMENT

The Orange County Superior Court conducted a true side-by-side experiment of different case management styles -- Direct Calendar versus Master Calendar. The Expedited Trial Program was the controlled group and the balance of "other civil cases" was



the placebo group. The side-by-side comparisons of the disposition rates the two groups for the term of the experiment are illustrated in the following graph:



The second report contains details concerning the logistics of the Expedited Trial Program. Appendices "B" and "D" to the second report set forth the issue conference order and suggested daily calendars and time allocations for the Direct Calendar courtroom. These documents are not repeated in this report.





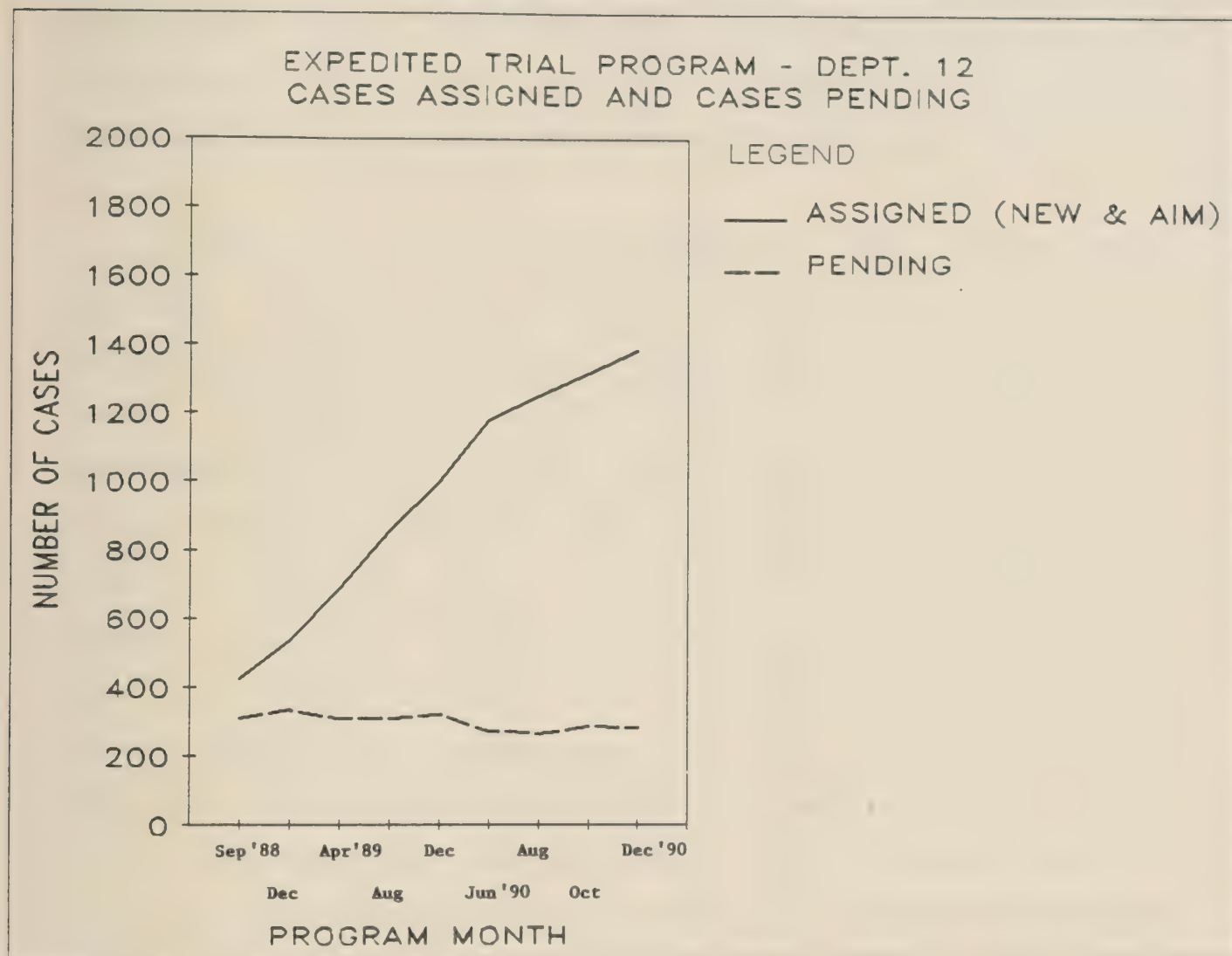
### III. THE RESULTS

The program commenced January 1, 1988. During the first sixteen months (i.e. until June 30, 1989) one-fourth of the "other civil" cases filed in the Orange County Superior Court were assigned to "XTP". On July 1, 1989, four more judges were assigned to "XTP" and one-half of the cases filed in the other civil category are assigned to the eight (8) program judges. In addition to the cases filed after January 1, 1988 the Expedited Trial Program also received cases filed before January 1, 1988 in which an At-Issue Memorandum was filed after January 1, 1988. (Those cases commence case-management at the status conference.) This parallel program involved the same case-management concepts in an attempt to reduce the existing case backlog. The statistics reported herein include the "before" and "after" cases, unless otherwise segregated. By the end of December 1990, approximately eight thousand five hundred (8,500) cases had been assigned to the program, an average of one thousand four hundred (1,400) cases for each of the four original program judges and seven hundred (700) cases for each of the four new judges.

A key to effective case management is determining the manageable case inventory each judge should carry. Our results seem to indicate the controlling number is not cases assigned but rather cases in current inventory. (A manageable inventory is probably three hundred fifty cases.) In addition, as shown in the



following graph for one of the original four departments, the net inventory fluctuated over the life of the program but stayed in basic equilibrium after the tenth to eleventh month.



The same information depicting all cases assigned to and net inventory in all eight "XTP" departments is illustrated at Appendix "B".

Appendices "C" through "G" indicate graphically the number of jury and court trials. They are included as examples of the estimated and actual length of cases tried, in one of the "XTP" departments, for the period January 1, 1989 through December 31, 1990, inclusive, a period of twenty-four months. During this





twenty-four month period, the trial calendar was called each Monday morning with the exception of those weeks when Mandatory Settlement Conferences or vacations were scheduled; therefore a calendar call during eighty-five (85) of the one hundred and four (104) weeks in the period. Mandatory Settlement Conferences were scheduled every fifth or sixth week, as the need determined.

Analysis of the trial calendars for the subject "XTP" department indicates there were five hundred twelve (512) cases set for trial during this period; an average of six cases each Monday. The range was from a low of two to a high of eight. The judge must group the cases for trial using his or her knowledge of which cases are likely to settle and which are likely to go to trial. Eighty-four percent (84%) of the court trials and seventy-seven percent (77%) of jury trials were started on their first trial date. Appendix "H" illustrates the percentage of trials continued to a subsequent trial date. Of those scheduled for trial, thirty (30) jury trials and eighty-two (82) court trials were conducted. Analysis of the trials reveals seven (7) jury trials were conducted by the "XTP" judge to whom the case was assigned in 1989 and six (6) in 1990. No record was kept of the court trials conducted by the "XTP" judge to whom the case was assigned for all purposes.

This analysis suggests the judge to whom the case is assigned for all purposes will be able to try approximately one-half of the jury trials in his or her inventory. In order to assure the case will go to trial on the date assigned for trial backup trial judges, i.e. those not involved in management of the cases, is desirable.



The following chart indicates the disposition rates of the managed, the non-managed, and personal injury cases filed during 1988 over the thirty-six (36) months of the experiment.

#### NEW CASE FILING AND DISPOSITION RATES

XTP vs. OTHER CIVIL (non-program) and P.I. Categories

Status of January through December 1988 Filings as of 12/31/90

	XTP			OTHER CIVIL (NON-PROGRAM)			PERSONAL INJURY		
1988	FILED	DISPOSED	(%)	FILED	DISPOSED	(%)	FILED	DISPOSED	(%)
JAN.	119	117	(98)	671	292	(44)	916	555	(61)
FEB.	135	133	(99)	755	336	(45)	1203	648	(54)
MAR.	162	161	(99)	823	345	(42)	1301	748	(57)
APR.	146	146	(100)	705	306	(43)	1158	630	(54)
MAY	134	133	(99)	608	299	(49)	1339	720	(54)
JUN.	129	127	(98)	727	323	(44)	1384	770	(56)
JUL.	127	125	(98)	668	304	(46)	1421	699	(49)
AUG.	135	130	(96)	681	302	(45)	1301	684	(53)
SEPT.	145	137	(94)	733	312	(43)	1493	749	(50)
OCT.	109	105	(96)	666	273	(41)	1427	723	(51)
NOV.	117	116	(99)	672	302	(45)	1598	774	(48)
DEC.	126	117	(93)	634	226	(36)	1287	612	(48)
TOTALS	1,584	1,547	(98)	8,343	3,620	(43)	15,828	7,952	(50)

The results shown in this report, for the sake of consistency in comparison, are of the four original "XTP" departments that were in operation for the full thirty-six (36) months experimental program. This involves the analysis of approximately five thousand six hundred (5,600) cases. Appendix "I" shows the results of the thirty-six month program for the four original departments. Results of the program, however, should be considered from other than the statistical viewpoint.





#### IV. ATTORNEYS' RESPONSES TO "XTP"

At the conclusion of most cases assigned to the Expedited Trial Program, the attorneys were provided a questionnaire by the courtroom bailiffs which they were asked to complete anonymously and return to the Supervising Judge's department. These questionnaires were provided to all eight departments; however, the majority of the questionnaires were distributed in Departments 12 and 13. Even though they reflect the cases handled in those two departments, it is felt the responses are representative of all attorneys who completed cases in "XTP" either by settlement or trial to judgment or verdict.

The analysis of the attorneys' responses for January 1, 1988 through December 31, 1989 was included in the second report. The questionnaires which are the subject of the following analysis by the "XTP" Staff Coordinator, Marcia Goodman<sup>5</sup>, were received during 1990 and reflect a continued acceptance of the Expedited Trial Program by the local bar. The percentage of favorable responses remained fairly constant in areas such as:

- acceptance of "XTP" time standards;
- belief that early and continuous supervision of case processing by the court leads to earlier dispositions;

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<sup>5</sup> Report by Marcia Goodman dated December 3, 1990.



- perception that the "XTP" program is not detrimental to the attorney's practice;
- agreement that all civil cases should be assigned to the program.

Responses to this group of questionnaires, when compared to those in the questionnaires analyzed for the previous period, indicated a substantial increase in attorneys' perception of a good relationship between bench and bar.

The average length of time in practice for those attorneys responding was 13 years. Although many of the respondents felt the delay reduction program rules were too stringent, a number of attorneys' comments were perceptive and refreshingly candid in expressing their understanding of the need for case management, to-wit:

"...all too frequently cases are bogged down for three to five years. Delay is then used as a litigation tool."

"In my experience the active monitoring results in early settlement or trial which is in client's best interests."

"Active monitoring forces immediate trial preparation (which should be done anyway) but with the pressures of an active civil practice, only those cases which present immediate trial problems seem to get the attention. Procrastination seems to be a problem for all lawyers."





"It forces attorneys and clients to be aware of the matter and realistically evaluate the merits and attempt a resolution."

Responses concerning the assignment of all civil cases to "XTP" include the following:

QUESTION: All civil cases should be assigned to "XTP"?

RESPONSE: 7 (19%) STRONGLY AGREE  
8 (22%) AGREE  
4 (11%) NOT SURE  
4 (11%) DISAGREE  
14 (37%) STRONGLY DISAGREE

QUESTION: If you disagree with the above statement, which cases should be excluded, and why?

RESPONSE:

- Complex, multi-party litigation; should be a modified "XTP" of trial within 2-3 years.
- Personal injuries (subject to prognosis).
- Construction accident; construction defect.
- Declaratory relief or other actions which relate to other matters pending.



- Mechanic's lien foreclosure.
- Cases involving substantial discovery.
- Complex products liability.
- Legal/medical malpractice.

The balance of the questions and responses by the attorneys are set forth in Appendix "G".

Probably the most important responses involved the general feeling that plaintiffs and defendants should set the review timetable to trial and that personal injury and complex cases should have discovery schedules tailored to the individual case. Both of these observations are genuine. Interestingly, the "XTP" local court rules did, in fact, allow the attorneys to set the review timetable for their case. This was done in fewer than one percent of the cases handled in the program.

Several attorneys commented on the scheduling problems of program requirements on small law firms and sole practitioners. We concluded many of these problems can be avoided if the judge will allow the attorneys to pick the date for monitoring, MSC or trial. It is important the attorneys check their respective calendars before the date is assigned and once assigned the matter not be continued, except for good cause.





General comments by the attorneys included:

QUESTION: What are your overall feelings regarding the Expedited Trial Program and/or civil delay reduction programs in general?  
What changes would you make to "XTP"?

RESPONSES:

- "XTP" should be replaced with a screening process whereby parties may set a timetable to trial.
- Program needs to be flexible according to the particular matter.
- In serious personal injury or complex business litigation have a realistic discovery schedule set up at the initial status conference.
- Adopt the Federal civil procedures concerning pretrial conferences, pretrial conference orders, memoranda of contentions of fact and law, etc.



-- Uniform rules are needed.

-- Recognition should be given to the fact that small firms will have a more difficult time meeting the time requirements.

#### V. JUDGES' RESPONSES TO "XTP"

The following comments and observations were provided by some of the eight participating program judges:

My impression upon the conclusion of "XTP" can be summarized as follows:

1. The mechanics of the program are no problem. Attorneys and judges appeared to adjust to the pace with comparative ease. The one-year "track" to prepare is certainly do-able.
2. For about 98-99% of the litigants, the program is a huge success: For the 95% who settle, they are in and out of the system within a year, and so they are very happy. Of the remaining 5% who go to trial, 3 or 4% get out to trial right away, and they are then out of the system within about a year, so they are very happy. Even the



remaining 1-2% who don't get out to trial the first time are pretty happy, because they at least are in some judge's "inventory" after one year, rather than after three or four.

3. The main problem of the program is finding a place to promptly try all the cases. After trying all alternatives, the solution is probably simply to have more judges.

Following is a very brief recap of the good, the bad and the ugly of "XTP":

1. Early judicial intervention works. I thought the 90-day conference was one of the best features of the program in terms of identifying cases that were ripe for early settlement.
2. Monitoring by judges in whatever form is the most important part of "XTP".
3. A strong commitment on the part of "XTP" judges to the principles of delay reduction is essential.





4. "Brown bag" lunches could be important in exchanging information and to help educate non-"XTP" judges.
5. Restraint in imposing sanctions has a salutary effect on the bar.
6. Managing the "case load" while conducting lengthy and complex jury trials is extremely stressful on the judge. It is difficult to give law and motion matters (some are very crucial) the attention they deserve in this context.
7. One clerk cannot handle the load placed on him or her without assistance.
8. Back-up courtrooms for ready cases are necessary when the "XTP" judge is engaged in trial in order to avoid continuances.
9. The objectives of "XTP" are worthwhile and worth the effort.

"XTP" -- The good, the bad and the beautiful:

1. The public's complaint about the courts does not involve the quality of the decisions of judges



or juries; it involves the length of time (3 to 5 years) it takes to get to trial.

2. The public does not blame the attorneys, the Legislature or the Governor for the delay -- they blame the courts; therefore, the courts are obligated to remedy the problem of trial court delay.
3. The Orange County program has been a resounding success. The key to that success and the most important component in trial court delay reduction programs is the judges' commitment to the program and in accepting responsibility in reducing trial court delay by maintaining a firm policy against continuances, maintaining early and continuous involvement of the judges in the cases.
4. The result has been a shift in the legal culture; attorneys and clients now believe their cases can be resolved in a relatively short time.
5. Defendants with no defense may not stall the resolution of the case.





6. The problems in the program include:
  - a. The court's interference with the manner attorneys have traditionally handled cases. The court is now an interested third party in the litigation. This is very upsetting to some attorneys;
  - b. Sole practitioners and small law firms often have difficulty preparing all of their cases because they lack attorney resources to accelerate the handling of the volume of cases in which they are used to appearing. Larger firms apparently hire more attorneys.
7. Stress on the judges and staff must be dealt with in a positive manner.
8. We should avoid the problems created in other counties by following the code regarding discovery cut-off dates, maintaining settlement conferences, prudent imposition of sanctions only where there has been no compliance. Late compliance should be accepted without imposition of sanctions when there is no appearance of abuse.



9. As case management is expanded, it will be necessary for the participating judges to meet and share ideas and problems so that consistency in approach may be maintained by those judges.

10. We should constantly remind ourselves that attorneys manage the case pursuant to a time line mutually agreed upon by the attorneys and the judge.

## VI. CONCLUSIONS

During the preparation of this report, I reached the realization of how difficult it is to effect change in the court system. I believe all those involved in Trial Court Delay Reduction Programs feel their particular program has merit found in none of the other programs. Further, in making suggestions whether it is the area of case management or the drafting of legislation, they genuinely feel their position is correct and must be implemented forthwith. There appear to be few who wish to stay the course long enough to analyze the results of the three-year experiment.

The enabling legislation for the Trial Court Delay Reduction Act of 1986 (AB 3300) mandated nine pilot counties to operate nine separate, distinct, experimental programs for thirty-six months. At the conclusion of the term, the experiences and results of those counties were to be analyzed. Unfortunately, major



state-wide rules were developed and mandated for the voluntary programs before the expiration of the pilot programs and analysis of the experiences or results of the nine pilot courts.

The pressure for early changes in case management came from the Judicial Council when that body adopted uniform rules for volunteer counties and from the Legislature when AB 3820 was enacted. These changes have been foisted on the judges of this state without the benefit of analysis of the nine pilot courts and their projects.

It is hard to understand why some see the results of the Trial Court Delay Reduction Act as a vehicle for case-backlog reduction, reduction in the number of needed judges, or reduction in the tax dollars needed to construct courthouses or courtrooms. The Act was not implemented for any of these purposes. The need for and purpose of the three-year experimental program was clearly set forth in Government Code Section 68601(b). It was and is an experiment whose results should have been analyzed before any changes were adopted statewide.

Unfortunately, this was not done. The urgency felt by the Administrative Office of the Courts for "bridge" legislation to allow the nine pilot programs to continue was misplaced. That "urgency" put the judges of this state in an arena of political negotiations on issues historically left to the courts, i.e., judicial administration. Some feel this resulted in unnecessary





erosion of the separation of powers of the three branches of government.

Overall, I agree with the responses of the participating attorneys and my colleagues. It is also my conclusion we cannot return to the laissez-faire approach to case management. Judges must become involved in management of the cases, not solely as an administrator slavishly following rules but, as the symbol of our judicial system, dispensing justice after careful, but timely, deliberation. Some judges will do this with more ease than others. For a few judges, case management will be difficult. This difficulty, however, should not dissuade us from becoming active participants in case management. It is the duty of judges to see to it that cases move expeditiously to disposition or trial. I feel the judge's management should commence with a conference with the attorneys ninety (90) days after the complaint is filed. At this conference the attorneys should tell the judge about the case and its special needs, if any. The attorneys and the judge should plan the progression of the case from that point onward.

## VII. CAVEAT

The second report covering the first twenty-four (24) months of "XTP" concluded with a caveat. I feel the same caveat applies and should be restated:



When the trial court delay reduction concept was introduced to California judges in March 1987, colorful phrases such as "...move the cases faster...", "...move cases through the pipeline...", "...eliminate voir dire..." and "...impose sanctions when attorneys don't comply..." were uttered by some in attendance, whose background was either administration or education. While their perspective is needed and welcomed we, the judges, must remember we are not administrative employees. The Judiciary is the Third Branch of Government, separate and co-equal with the Executive and Legislative.

We must not let the pressure to speed-up the process affect our deliberations or demeanor. This is not a cookie-cutter system. It is still a case-by-case process. HOW WE AS JUDGES COMPORT OURSELVES AS WE CONDUCT EACH TRIAL OR PROCEEDING NOT ONLY TIPS THE BALANCE BETWEEN FAIRNESS AND EFFICIENCY, BUT PROVIDES THE HUMAN LINK BETWEEN CITIZEN AND SYSTEM. Let us not forget the judge is a jurist, first and foremost. Secondary considerations may be given to management and administration.





## **APPENDICES**



## APPENDIX "A"

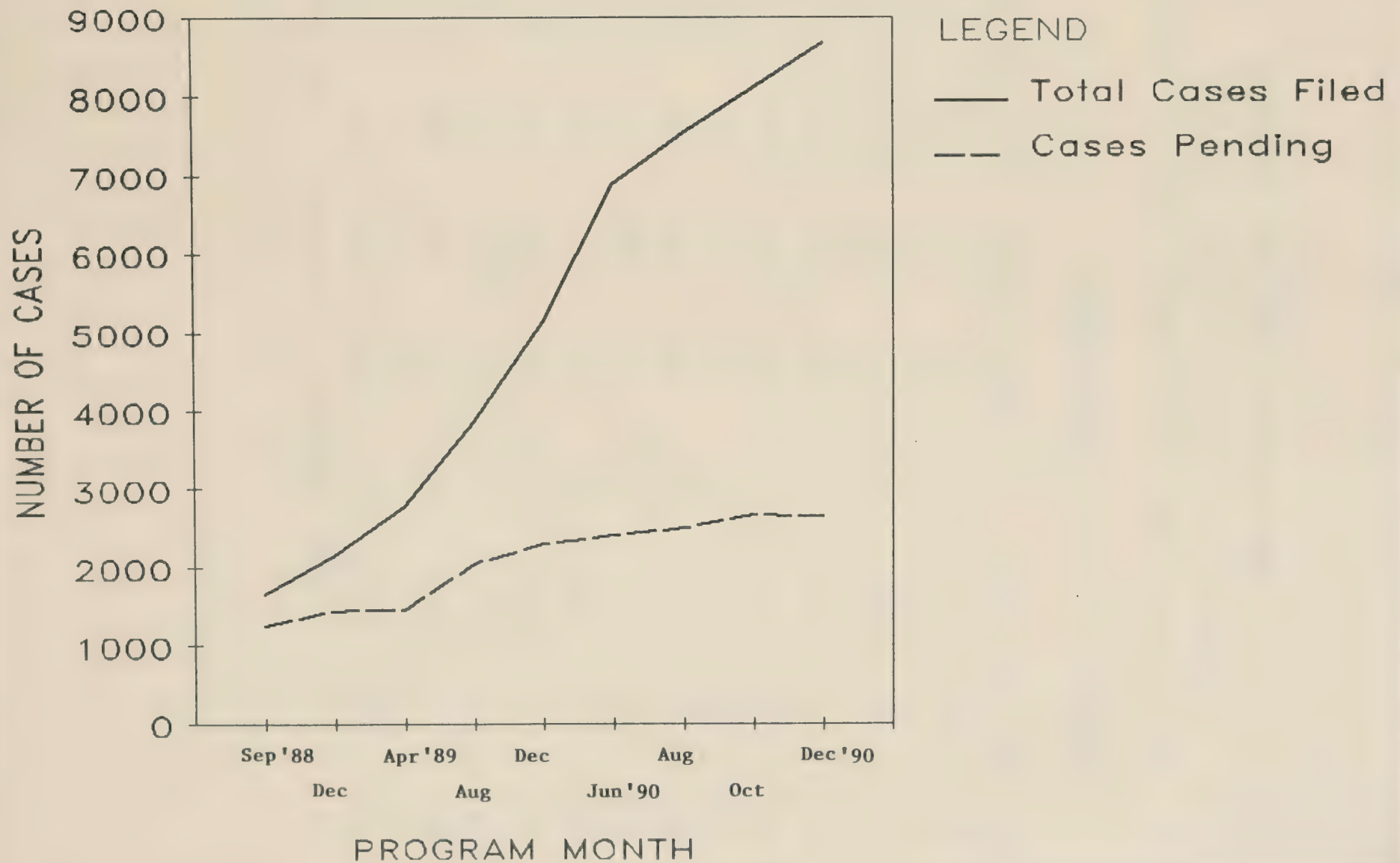
### THE EXPEDITED TRIAL PROGRAM JUDGES

1988-1990

The four original judges were Robert A. Knox, Henry T. Moore, Judith M. Ryan and John C. Woolley. Six months after commencement of the Expedited Trial Program, Judge Moore was appointed to the Appellate Court and his calendar was transferred to Judge Gary L. Taylor. Judge Taylor served in the program until October 1990, at which time he resigned from the court and accepted an appointment to the United States District Court. His calendar was transferred to Judge Marvin G. Weeks. Sixteen months after commencement of the program, Judge Ryan retired from the court and her calendar was transferred to Judge Thomas N. Thrasher. On July 1, 1989, four additional judges were added to the program: David H. Brickner, Jonathan H. Cannon, William F. McDonald and Richard N. Parslow, Jr.



- APPENDIX - "B"  
EXPEDITED TRIAL PROGRAM  
Ratio of Total Cases to Total Filings Per Month  
(as of 12-31-90)







-APPENDIX "C"-  
NEW CASE FILING AND DISPOSITION RATES

XTP vs. OTHER CIVIL (non-program) and P.I. Categories

Status of January through December 1988 Filings as of 12/31/90

	XTP			OTHER CIVIL (NON-PROGRAM)			PERSONAL INJURY		
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FEB.	135	133	(99)	755	336	(45)	1203	648	(54)
MAR.	162	161	(99)	823	345	(42)	1301	748	(57)
APR.	146	146	(100)	705	306	(43)	1158	630	(54)
MAY	134	133	(99)	608	299	(49)	1339	720	(54)
JUN.	129	127	(98)	727	323	(44)	1384	770	(56)
JUL.	127	125	(98)	668	304	(46)	1421	699	(49)
AUG.	135	130	(96)	681	302	(45)	1301	684	(53)
SEPT.	145	137	(94)	733	312	(43)	1493	749	(50)
OCT.	109	105	(96)	666	273	(41)	1427	723	(51)
NOV.	117	116	(99)	672	302	(45)	1598	774	(48)
DEC.	126	117	(93)	634	226	(36)	1287	612	(48)
TOTALS	1,584	1,547	(98)	8,343	3,620	(43)	15,828	7,952	(50)

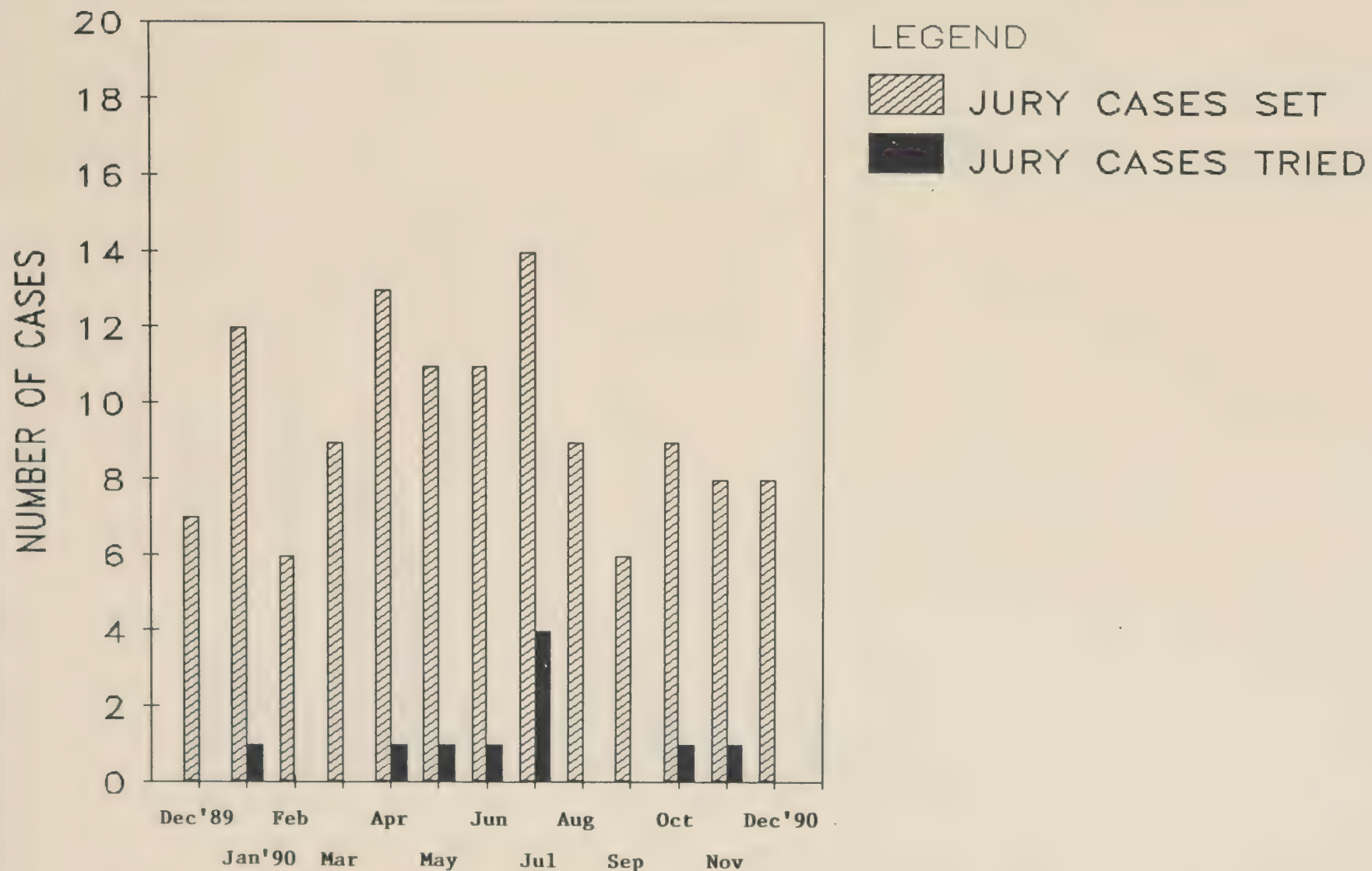
TOTAL FOR NON-PROGRAM CASES: FILED 24,171; DISPOSED 11,572,

FOR A 48 PERCENT RATE OF DISPOSITION.

91-007  
MG:sd  
1/14/91



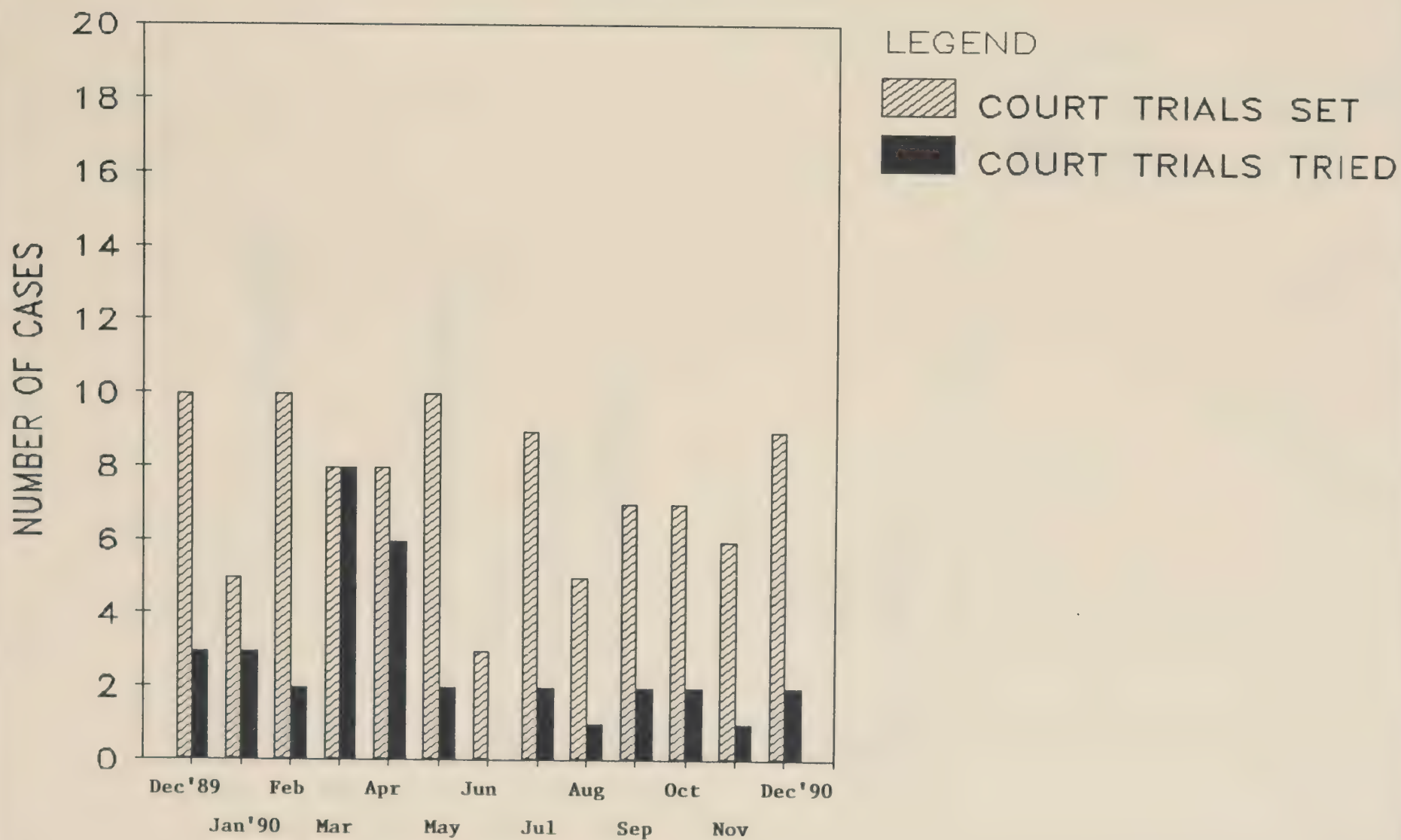
- APPENDIX "D" -  
DISPOSITION OF CASES SET FOR TRIAL - DEPT. 12  
(DEC 1, 1989 THROUGH DEC. 31, 1990)  
JURY TRIALS





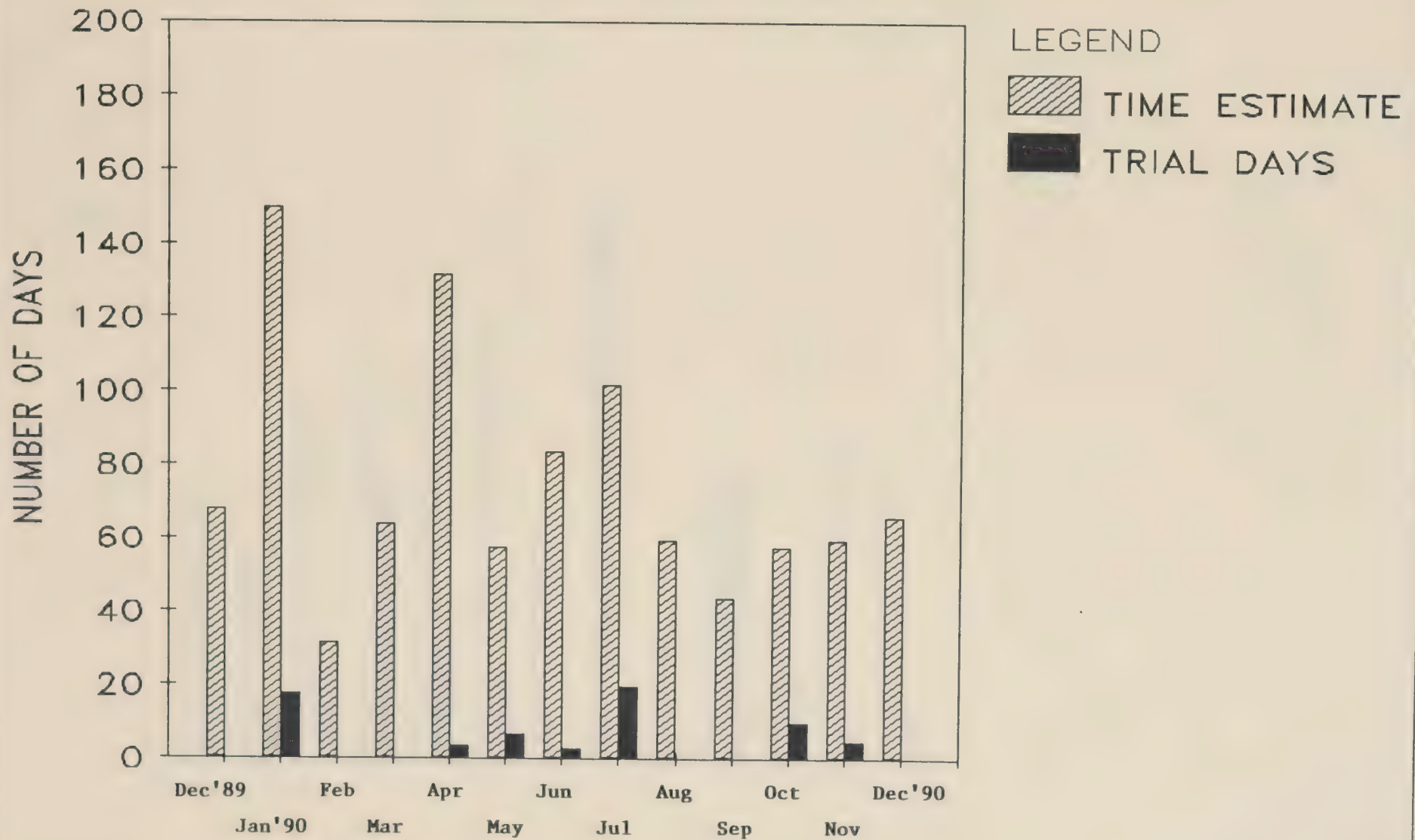


- APPENDIX "E" -  
DISPOSITION OF CASES SET FOR TRIAL - DEPT. 12  
(DEC. 1, 1989 THROUGH DEC. 31, 1990)  
COURT TRIALS



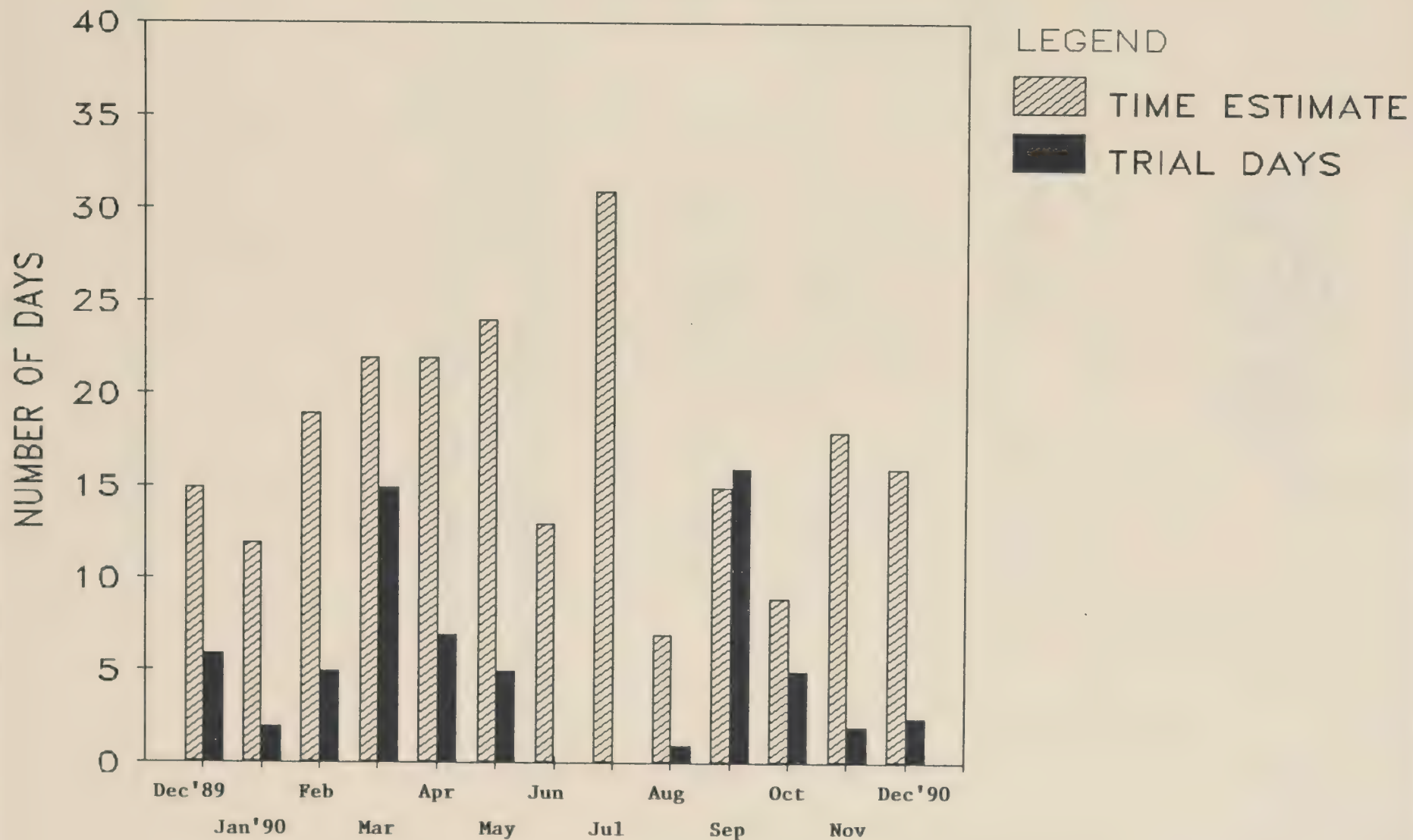


- APPENDIX "F" -  
DISPOSITION OF CASES SET FOR TRIAL - DEPT. 12  
(DEC. 1, 1989 THROUGH DEC. 31, 1990)  
JURY TRIALS





- APPENDIX "G" -  
 DISPOSITION OF CASES SET FOR TRIAL - DEPT. 12  
 (DEC. 1, 1989 THROUGH DEC. 31, 1990)  
 COURT TRIALS







APPENDIX "H"  
EXPEDITED TRIAL PROGRAM  
TRIAL START ANALYSIS  
1988 - 1990 FILINGS  
(AS OF 12-31-90)

	<u>COURT TRIALS</u>	<u>JURY TRIALS</u>
CASES IN WHICH TRIAL STARTED ON:		
First Trial Date	375 (84%)	50 (77%)
Second Trial Date	55 (12%)	11 (17%)
Third or Later Trial Date	<u>17 (4%)</u>	<u>4 (6%)</u>
TOTAL	447 (100%)	65 (100%)

96% of all trials in the program have started on the first scheduled trial date or after only one continuance or one day trailing from the first date.

83% of all trials in the program have started on the first scheduled trial date.

Source: Statscan - General Civil Case Status Report.

MLG:be  
91-001



APPENDIX "I"  
EXPEDITED TRIAL PROGRAM  
FILINGS AND DISPOSITION RATES (NON-AIM CASES) PER MONTH FILED  
(AS OF 12-31-90)

MONTH FILED IN 1988

	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>TOTAL</u>
<u>DEPT. 12</u>													
FILED	33	31	46	33	34	33	36	35	33	28	31	34	407
DISPOSED	33	31	46	33	33	33	35	34	33	28	31	31	401
(PERCENT)	(100)	(100)	(100)	(100)	(97)	(100)	(97)	(97)	(100)	(100)	(100)	(91)	(99)
<u>DEPT. 13</u>													
FILED	24	33	44	34	32	32	27	37	32	28	30	33	386
DISPOSED	24	33	44	34	32	31	26	37	30	28	30	31	380
(PERCENT)	(100)	(100)	(100)	(100)	(100)	(97)	(96)	(100)	(94)	(100)	(100)	(94)	(98)
<u>DEPT. 14</u>													
FILED	27	38	41	38	34	29	32	32	33	27	32	34	397
DISPOSED	27	38	41	38	34	29	32	32	31	26	31	31	390
(PERCENT)	(100)	(100)	(100)	(100)	(100)	(100)	(100)	(100)	(94)	(96)	(97)	(91)	(98)
<u>DEPT. 18</u>													
FILED	31	30	39	39	31	34	31	34	44	28	31	34	406
DISPOSED	30	29	38	39	31	33	31	31	40	26	31	34	393
(PERCENT)	(97)	(97)	(97)	(100)	(100)	(97)	(100)	(91)	(91)	(93)	(100)	(100)	(97)
<u>TOTALS</u>													
FILED	115	132	170	144	131	128	126	138	142	111	124	135	1596
DISPOSED	114	131	169	144	130	126	124	134	134	108	123	127	1564
(PERCENT)	(99)	(99)	(99)	(100)	(99)	(98)	(98)	(97)	(94)	(97)	(99)	(94)	(98)

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91-002

APPENDIX "I"





# APPENDIX "J"

## ANALYSIS OF THE ATTORNEYS' QUESTIONNAIRES

### 1. County in which I principally practice:

Orange	75%
Los Angeles	25%

### 2. Do you feel the courts should actively monitor the pace of civil litigation and assure the timely disposition of civil cases?

<u>32 (87%)</u>	YES	<u>5 (13%)</u>	NO
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### 3. Were you provided with sufficient information to fully understand the delay reduction plan in the court in which you principally practice?

<u>34 (91%)</u>	YES	<u>3 ( 9%)</u>	NO
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### 4. The time standards under the Trial Court Delay Reduction Act in the court in which you principally practice are:

<u>25 (68%)</u>	SATISFACTORY
<u>11 (32%)</u>	TOO STRINGENT
<u>— ( 0%)</u>	TOO LENIENT

### 5. Do you feel the bench/bar relations in the Expedited Trial Program are:

<u>22 (59%)</u>	GOOD
<u>11 (30%)</u>	SATISFACTORY
<u>4 (11%)</u>	POOR

### 6. Early and continuous supervision of case processing by the court leads to earlier dispositions.

<u>22 (59%)</u>	STRONGLY AGREE
<u>10 (27%)</u>	AGREE
<u>4 (11%)</u>	NOT SURE
<u>1 ( 3%)</u>	DISAGREE
<u>-0-</u>	STRONGLY DISAGREE

### 7. "Quality of Justice" is not lessened when case processing time standards are imposed on attorneys by the court.

<u>9 (24%)</u>	STRONGLY AGREE
<u>12 (32%)</u>	AGREE
<u>6 (16%)</u>	NOT SURE
<u>7 (19%)</u>	DISAGREE
<u>3 ( 9%)</u>	STRONGLY DISAGREE



8. The Delay Reduction Program and its time standards will not be financially detrimental to my practice.

<u>13 (35%)</u>	STRONGLY AGREE
<u>13 (35%)</u>	AGREE
<u>5 (14%)</u>	NOT SURE
<u>2 (5%)</u>	DISAGREE
<u>4 (11%)</u>	STRONGLY DISAGREE

9. Cases in the Orange County Superior Court have traditionally been disposed of in a timely manner.

<u>3 (8%)</u>	STRONGLY AGREE
<u>9 (24%)</u>	AGREE
<u>11 (30%)</u>	NOT SURE
<u>8 (21%)</u>	DISAGREE
<u>6 (17%)</u>	STRONGLY DISAGREE

10. The ABA time standards to govern the pace of litigation should become permanent.

<u>9 (25%)</u>	STRONGLY AGREE
<u>6 (16%)</u>	AGREE
<u>13 (35%)</u>	NOT SURE
<u>3 (8%)</u>	DISAGREE
<u>6 (16%)</u>	STRONGLY DISAGREE



## ABOUT THE AUTHOR

The Honorable John C. Woolley is a judge of the Orange County Superior Court where he has served for eight years. He was the Supervising Judge of the Expedited Trial Program. He was the President of the California Judges Association during the years 1989-1990 and was an Advisory Member of the Judicial Council. He practiced law for twenty years prior to his appointment to the Superior Court.

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